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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

AROR ARK O'DIAH,

Plaintiff,  
-against-

CITY OF NEW YORK; NASSAU COUNTY, and  
PORT AUTHORITY OF NEW YORK/NEW JERSEY,

**ORDER**  
08-CV-1646 (SJF)(ARL)

Defendants.

X

FEUERSTEIN, J.

On March 24, 2008, *pro se* plaintiff Aror Ark O'Diah (plaintiff), a frequent filer in the United States District Court for the Eastern District of New York, filed the instant complaint in the United States District Court for the Northern District of New York against defendants City of New York, Nassau County, and Port Authority of New York/New Jersey (collectively, defendants), among others, pursuant to 42 U.S.C. §§ 1983, 1985(2) & (3) and 1986, alleging constitutional violations stemming, *inter alia*, from his January 26, 2007 criminal conviction and subsequent treatment in prison, as well as from one or more other arrests and subsequent prosecutions between the period from November 6, 2002 to November 13, 2007. Plaintiff paid the required filing fee.

For the reasons set forth below, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure this case is consolidated for all purposes with plaintiff's action pending in this Court under civil docket number 05-CV-5297, which itself is comprised of five consolidated actions commenced by plaintiff involving the same facts and occurrences as set forth in the instant

complaint. In addition, plaintiff is hereby enjoined from filing any future complaint, petition or proceeding in this Court without first obtaining leave of the Court.

## **BACKGROUND**

Plaintiff's fifty-four (54) page complaint describes events dating from November 6, 2002 to, and including, his January 26, 2007 criminal conviction and subsequent incarceration at Ulster Correctional Facility and Cayuga Correctional Facility. He raises myriad constitutional and state law claims. The Honorable Thomas J. McAvoy, Senior United States District Judge for the Northern District of New York, to whom this action was originally assigned, *sua sponte* (1) dismissed plaintiff's claims against the State of New York as barred by the Eleventh Amendment; (2) severed the claims against defendants from the claims asserted against A. Mawhir, Michael Corcoran, Scott Carlsen, P. Buttarazzi, Jesus Floresca, T. Napoli, K. Stevenson, Ms. Daly, and Mary Warner; and (3) transferred the severed claims against defendants to this Court, *inter alia*, as related to the consolidated action pending under docket number 05-CV-5297.

## **DISCUSSION**

In light of the overlapping facts alleged in this complaint and the five (5) other complaints filed by plaintiff in this Court which have previously been consolidated in this Court under docket number 05-CV-5297, this action is consolidated with those other actions for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and will proceed under docket number 05-CV-5297. All papers filed in any of these actions shall henceforth bear that docket

number, and the caption of this action shall be amended accordingly. The clerk of the Court is directed to administratively close this case.

G. Notice of Injunction

This is the sixth action filed by plaintiff complaining of the same acts and occurrences dating from November 6, 2002. By order dated December 13, 2007, plaintiff was cautioned that since his repeated filings related to similar facts and issues, some of which have already been found to have been frivolous, further filings of any complaint, petition or proceeding based upon the same facts and issues dating from November 6, 2002 to November 13, 2007, may result in the issuance of an order prohibiting him from filing any future lawsuits in this Court without first obtaining leave of the Court. Notwithstanding that order, plaintiff filed this sixth action relating, in part, to similar facts and issues dating from November 6, 2002 to November 13, 2007, including a frivolous claim against the State of New York which was dismissed by Judge McAvoy. Accordingly, plaintiff is hereby enjoined from filing future lawsuits in the United States District Court for the Eastern District of New York without first obtaining leave of the Court and from filing any lawsuit in any other court based upon the same facts and issues dating from November 6, 2002 to November 13, 2007. Plaintiff is advised that he must annex a copy of this Order to any complaint, petition or pleading he seeks to file in the United States District Court for the Eastern District of New York henceforth. Plaintiff is further advised that a failure to abide by any of the terms of this Order will result in the imposition of sanctions.

## **CONCLUSION**

For the reasons stated above, this action is consolidated with plaintiff's prior pending actions for all purposes and shall proceed under docket number 05-CV-5297 and plaintiff is enjoined from filing any future lawsuits in the United States District Court for the Eastern District of New York without first obtaining leave of this Court and from filing any lawsuit in any other court based upon the same facts and issue dating from November 6, 2002 to November 13, 2007.

SO ORDERED.



SANDRA J. FEUERSTEIN  
United States District Judge

Dated: April 30, 2008  
Central Islip, New York

Copies to: Aror Ark O'Diah, *pro se*  
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